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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/671,517	09/26/2000	Zhang Ying	017.38874X00	6046
20457	7590	01/26/2005	EXAMINER	
ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-9889			KANG, PAUL H	
			ART UNIT	PAPER NUMBER
			2141	

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Applicant No.	Applicant(s)	
	09/671,517	YING ET AL.	
	Examiner	Art Unit	
	Paul H Kang	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 September 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4, 6-14 and 18-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4,6-14,18-20,22,24 and 26 is/are rejected.
- 7) Claim(s) 21,23,25 and 27 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

1. Claims 5 and 15-17 have been cancelled. Claims 19-27 have been newly added. Claims 1-4, 6-14 and 18-27 are pending.

Allowable Subject Matter

2. Claims 21, 23, 25 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-3, 6, 8-11, 14, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhatia et al., U.S. Pat. No. 6,029,203, in view of Guerin et al., U.S. Pat. No. 6,243,754.**

5. As per claims 1, 8, 14, 18 and 19, Bhatia et al teaches the invention substantially as claimed. Bhatia teaches a system and method for selecting one of a plurality of service providers

for connection to a computer system through a network (See col. 5, lines 60-62), the apparatus comprising:

at least one database containing data regarding various parameters of the plurality of service providers and service quality requirements for various service types (See col. 5, line 59 - col. 6, line 6).

However, Bhatia does not explicitly teach a decision making unit connected to said at least one database for selecting one of said plurality of service providers to be connected to said computer system, said selecting being made according to decision making criteria and data from said at least one database,

wherein said decision making unit includes a criteria unit for providing different criteria from multiple criteria to be used in making a decision for selecting one of the service providers and a decision making agent unit for making the decision based on said selected criteria.

In the same field of endeavor, Guerin teaches a decision making unit connected to said at least one database for selecting one of said plurality of service providers to be connected to said computer system, said selecting being made according to decision making criteria and data from said at least one database (See Guerin, col. 3, lines 20-23);

wherein said decision making unit includes a criteria unit for providing different criteria from multiple criteria to be used in making a decision for selecting one of the service providers and a decision making agent unit for making the decision based on said selected criteria (See Guerin, col. 3, lines 20-23, col. 3, lines 12-14).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a decision making unit for making said selection based on decision

making criteria as taught by Guerin et al in the invention of Bhatia in order to determine the appropriate service provider to use for communication data to a remote called site (See Guerin, col. 3, lines 12-14).

6. As to claims 2, Bhatia-Guerin teach a display (See Bhatia, col. 1, line 19 – col. 4, line 30).

7. As per claim 3, Bhatia-Guerin teach an implementation agent for connecting said computer system to said selected provider (Modem, See Bhatia, col. 5, lines 60-66).

8. As per claims 6 and 9-11, Bhatia-Guerin teach a dynamic selection of network providers. Furthermore, Bhatia-Guerin teach wherein said decision making unit further includes a logic unit for providing logic based on different decision criteria to said decision making agent unit (See Guerin, col. 3, lines 15-24 and col. 3, lines 20-21)

9. Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhatia-Guerin, and further in view of U.S. Patent No. 6,301,568 to Globuschutz.

10. As per claims 4 and 12, Bhatia-Guerin teach the claimed invention as described above. However, Bhatia-Guerin fails to explicitly disclose providing a tracking unit for updating data in said at least one database based on current conditions in said service providers.

In the same field of endeavor, Globuschutz teaches an integrated subscriber management system architecture supporting multiple services. Furthermore, Globuschutz teaches providing a tracking unit for updating data in said at least one database based on current conditions in said service providers (See Globuschutz, col. 4, lines 18-21)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a tracking unit for updating data in said at least one database based on current conditions in said service providers as taught by Globuschutz in the claimed invention of Bhatia-Guerin in order to facilitate service delivery and control of service provided (See Globuschutz, col. 3, lines 6-10).

11. Claims 7, 13, 20, 22, 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhatia-Guerin-Globuschutz, and further in view of U.S. Patent No 6,775,267 to Kung et al.

12. As per claims 7 and 13, Bhatia-Guerin-Globuschutz teaches the claimed invention as described above. However, Bhatia-Guerin-Globuschutz fails to teach wherein said at least one database includes a first database for storing pre-configured service quality requirements of each normal service type and a second database for storing parameters regarding each provider, including billing data, selection priority data, resource condition data and resource basic information data.

In the same field of endeavor, Kung et al teaches said at least one database includes a first database for storing pre-configured service quality requirements of each normal service type and

a second database for storing parameters regarding each provider, including billing data, selection priority data, resource condition data and resource basic information data (See Kung, col. 2, lines 5-52 and col. 33, line 49 – col. 35, line 21).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate said at least one database includes a first database for storing pre-configured service quality requirements of each normal service type and a second database for storing parameters regarding each provider, including billing data, selection priority data, resource condition data and resource basic information data as taught by Kung into the claimed invention of Bhatia-Guerin-Globuschutz order to store all the information necessary for invoice processing and customer information.

13. As per claims 20, 22, 24 and 26, Bhatia-Guerin-Globuschutz-Kung teach a user interface coupled to the decision making unit which provides information relating to a type of service to be provided from the service providers and information to be used in making a decision of selecting a service provider from the multiple service providers by the decision making unit (Kung, col. 33, line 49 – col. 35, line 21).

Response to Arguments

Applicant's arguments filed September 7, 2004 have been fully considered but they are not persuasive. The applicants argued in substance that:

- a) although the prior art of record teaches "that there is a selection by an originating site based upon choices involving cost, quality of service to preestablished business contracts, etc..."

this disclosure does not suggest the combination of the decision making unit including a criteria unit selecting a criteria selected from multiple criteria as recited in claim 1.”

As to point a), the examiner respectfully disagrees with the applicants. As noted by the applicants, col. 3, lines 6-29 recite in part “[a] variety of criteria such as cost, quality of service, preestablished business contracts, etc. may be used for selecting the service provider.” It is clear from this passage that multiple considerations/criteria are considered by the system in choosing an ISP. The system, in making this decision, must rely on a “criteria unit” as recited in claim 1, if it is to consider the various criteria. It is the position of the examiner that a “criteria unit” is inherent in the system of the prior art.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H Kang whose telephone number is (571) 272-3882. The examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paul H Kang
Primary Examiner
Art Unit 2141